



UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 06-22973-D-13L
V. ELLIOT ROGERS, -) Docket Control No. WW-6
Debtor.)
-----) DATE: July 24, 2007
) TIME: 1:00 p.m.
) DEPT: D (Courtroom 34)

This memorandum decision is not approved for publication and may not be cited except when relevant under the doctrine of law of the case or the rules of claim preclusion or issue preclusion.

MEMORANDUM DECISION ON APPLICATION FOR APPROVAL OF
INTERIM ATTORNEYS FEES AND COSTS PAYABLE

V. Elliot Rogers ("Debtor") filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Code") on August 7, 2006. Mark A. Wolff, Attorney at Law ("Counsel") has continuously acted as Debtor's attorney and this is Counsel's first fee motion. Through this fee motion (the "Motion"), Counsel seeks approval of \$33,197.50 in fees and \$126.43 in costs. Although no party has filed opposition to the Motion, the court has an independent duty to review all requests for compensation and to determine their reasonableness pursuant to § 328 of the Code.

Section 330 of the Code sets out the standard by which courts should determine the reasonableness of fees under Section 329 and

1 reasonableness is determined by looking at the nature, extent and
2 value of the services rendered. See In re Eliapo 298 B.R. 392, 401
3 (9th Cir. BAP 2003). Section 330(a)(3) of the Bankruptcy Code states
4 that in determining the amount of reasonable compensation the court
5 should consider the nature, extent, and value of the services
6 rendered, taking account of all relevant factors, including the time
7 spent on the services, the rates charged for the services, and the
8 customary compensation of comparably skilled attorneys in other
9 cases.

10 The court finds that Counsel's hourly rate is reasonable and the
11 court does not have an issue with the quality of Counsel's services.
12 The court does have concern regarding certain services that were
13 charged for "review" of work performed.

14 The time sheets in support of the Motion show a number of
15 instances where letters were prepared by an attorney or other
16 employee that were billed to the client. These letters were then
17 reviewed by another attorney, which time was then again billed to the
18 client.

19 1. On August 17, 2006 MW billed .1 hours (\$22.50) for "Review
20 document - Correspond with secured creditors - 1st letter to notify
21 of bankruptcy filing."

22 2. On August 18, 2006 MW billed .1 hours (\$22.50) for "Review
23 document - Correspond with client - full copy of petition with
24 directions."

25 3. On September 15, 2006 MW billed .1 hours (\$22.50) for
26 "Review document - Correspond with client - reminder to take debtor
27 education course."

28 / / /

1 4. On October 2, 2006 MW billed .1 hours (\$22.50) for "Review
2 document - Correspond with client regarding results of 341 meeting of
3 creditors."

4 5. On December 1, 2006 MW billed .1 hours (\$22.50) for "Review
5 document - correspondence with client - reminder - debtor education."

6 6. On February 27, 2007 MTC billed .2 hours (\$25.00) for
7 "correspondence with client regarding additional documents for
8 deposition."

9 7. On March 29, 2007 MW billed .1 hours (\$25.00) for "Review
10 document - change of address of debtor."

11 The court finds that the above-listed time entries are
12 duplicative or excessive and therefore, non-compensable.
13 Accordingly, the court will reduce the fee request by \$162.50.

14 In light of the above deductions, Counsel's request for fees of
15 \$33,197.50 will be reduced by \$162.50 and the court will allow fees
16 of \$33,035.00 and costs of \$126.43 for a total of \$33,161.43.

17 A separate order will be entered consistent with this memorandum
18 decision.

19 Dated: AUG 13 2007

Robert Bardwil
20 Robert S. Bardwil
21 United States Bankruptcy Judge
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3 Certificate of Service

4 I certify that on AUG 13 2007 a copy of the foregoing
5 document was mailed to the following:

6 Office of the US Trustee
7 501 "I" Street, Suite 7-500
8 Sacramento, CA 95814

9 Lawrence Loheit
10 P.O. Box 1858
11 Sacramento, CA 95812

12 Mark Wolff
13 Wolff & Wolff
14 8861 Williamson Dr., Suite 30
15 Elk Grove, CA 95624

16 FOR THE COURT
17 RICHARD G. HELTZEL
18 CLERK, U.S. BANKRUPTCY COURT

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20 By: Indrea Loughn
21 Deputy Clerk
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